

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRODRICK BONE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 2:20-cv-00615-JDP (SS)

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

THIRTY-DAY DEADLINE

Plaintiff Brodrick Bone appealed defendant's decision denying his application for Social Security benefits by filing a complaint before this court on March 20, 2020. ECF No. 1. Plaintiff moved to proceed *in forma pauperis* the same day. ECF No. 2. The court granted plaintiff's motion and issued a summons. ECF Nos. 3, 4. The court also stayed the case. ECF No. 6. Defendant filed the administrative record on September 1, 2020, ECF No. 11, which prompted the court to enter an amended scheduling order the next day, ECF No. 12. Plaintiff was directed to file a motion for summary judgment within 45 days. *Id.* However, plaintiff has not filed a motion as required by the scheduling order, and the time to do so has now passed.


To manage the docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, the court may dismiss the plaintiff's case for failure to prosecute. *See* Fed. R. Civ. P. 41; *Hells*

1 *Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[T]he consensus
2 among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua
3 sponte, at least under certain circumstances.”). Involuntary dismissal is a harsh penalty, but the
4 court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See*
5 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

6 I will give plaintiff the opportunity to explain why the court should not dismiss the case
7 for his failure to prosecute. Plaintiff’s failure to respond to this order will constitute a failure to
8 comply with a court order and will result in dismissal of this case. Accordingly, plaintiff must
9 show cause within thirty days of the date of entry of this order why the court should not dismiss
10 this case for failure to prosecute.

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12 IT IS SO ORDERED.

13 Dated: December 7, 2020

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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